

CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 80-77** as amended by:
By-law 89-102.

A by-law to prohibit the parking or leaving of motor vehicles on private property and on property owned or occupied by The Corporation of the City of Niagara Falls or any local board thereof.

WHEREAS paragraph 112 of section 354 (1) of The Municipal Act provides, in part, that by-laws may be passed by the councils of local municipalities for prohibiting the parking or leaving of motor vehicles, i) on private property without the consent of the owner or occupant of the property, and ii) on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board as the case may be; and

WHEREAS the Council of The Corporation of the City of Niagara Falls deems it necessary to enact a by-law pursuant to the said provision of The Municipal Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. In this by-law,

- (1) “owner” when used in relation to property means,
 - (a) the registered owner of the property,
 - (b) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,
 - (c) the spouse of a person described in clause a or b,
 - (d) where the property is included in a description registered under The Condominium Act, the board of directors of the condominium corporation,
 - (e) a person authorized in writing by the property owner as defined in clause (a), (b), (c), or (d) to act on the owner’s behalf for requesting the enforcement of this by-law;
- (2) “occupant” means,
 - (a) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,

- (b) the spouse of a tenant,
- (c) a person or municipality, or a local board thereof, having an interest in the property under an easement or right-of-way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right-of-way.
- (d) a person authorized in writing by an occupant as defined in clause a, b or c to act on the occupant's behalf for requesting the enforcement of this by-law;

(3) "local board" means, a "local board" as defined in The Municipal Affairs Act, and without limiting the generality of the foregoing includes the Greater Niagara Transit Commission.

2. No person shall park or leave a motor vehicle on private property within the City of Niagara Falls without the consent of the owner or occupant of the property.
3. No person shall park or leave a motor vehicle on property owned or occupied by The Corporation of the City of Niagara Falls or any local board thereof without the consent of the said Corporation or local board, as the case may be.
4. Where an owner or occupant of property affected by this by-law has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.
5. A constable or municipal law enforcement officer upon discovery of any motor vehicle parked or left in contravention of any of the provisions of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon such vehicle which may be enforced in the manner provided in section 48 of The Mechanics' Lien Act.
6. Repealed by by-law 89-102.
7. Repealed by by-law 89-102.

Every person who contravenes any of the provisions of this by-law is guilty of an offence. See by-law 89-102.

8. The driver of a motor vehicle, not being the owner, is liable to any penalty provided under this by-law, and the owner of a motor vehicle is also liable to such penalty unless at the time the offence was committed the motor vehicle was in possession of a person other than the owner without the owner's consent.
9. Subject to section 10 of this by-law, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under this by-law except upon the written complaint of the owner or occupant of the property given to a constable or municipal law enforcement officer.

10. A special constable appointed under The Police Act, in respect of a particular property to enforce this by-law, shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.
11. By-law No. 73-235 is hereby repealed.

(Original By-law 80-77 was) passed this 21st day of April, 1980.

J. L. COLLINSON / CITY CLERK

WAYNE THOMSON / MAYOR

First Reading: April 21st, 1980
Second Reading: April 21st, 1980
Third Reading: April 21st, 1980